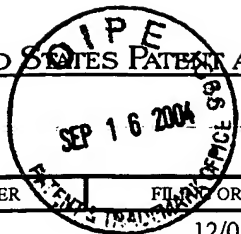




UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/730,361 | 12/08/2003 | David Claxton | UTSC:776US |

32425
FULBRIGHT & JAWORSKI L.L.P.
600 CONGRESS AVE.
SUITE 2400
AUSTIN, TX 78701

FULBRIGHT & JAWORSKI LLP
AUSTIN, TEXAS

MAR 23 2004

RECEIVED

CONFIRMATION NO. 2826

FORMALITIES LETTER



OC000000012073305

Date Mailed: 03/11/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

09/17/2004 MNEKONEN 00000097 10730361

| | |
|------------|-----------|
| 01 FC:2001 | 385.00 OP |
| 02 FC:2051 | 65.00 OP |
| 03 FC:2202 | 153.00 OP |

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 385 to complete the basic filing fee for a small entity.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
 - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 2, 5.

The following item(s) appear to have been **omitted** from the application:

- Figure(s) 6 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$153** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

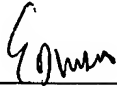
Total additional fee(s) required for this application is **\$603** for a Small Entity

- **\$385** Statutory basic filing fee.
- **\$65** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$153**
 - **\$153** for 17 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



PATENT
Customer ID: 32425

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
David Claxton *et al.*

Serial No.: 10/730,361

Filed: December 8, 2003

For: COMPOSITIONS AND METHODS
RELATED TO LIPID:EMODIN
FORMULATIONS

Group Art Unit: 1616

Examiner: Unknown

Atty. Dkt. No.: UTSC:776US

CERTIFICATE OF MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: MS MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

September 13, 2004

Date

Mark B. Wilson

REQUEST FOR EXTENSION OF TIME TO RESPOND TO
NOTICE TO FILE MISSING PARTS DATED MARCH 11, 2004

MS MISSING PARTS

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

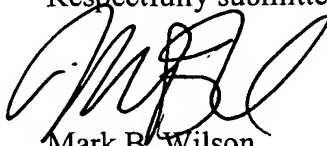
Sir:

Pursuant to 37 C.F.R. § 1.136(a), Applicants petition for an extension of time of four months to and including September 11, 2004 in which to respond to the Notice to File Missing Parts dated March 11, 2004.

Pursuant to 37 C.F.R. § 1.17, a check in the amount of \$1343.00 is enclosed, which includes the process fee (\$740.00) for a four month extension of time.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski Deposit Account No.: 50-1212/UTSC:776US.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'MBW', is written over the typed name.

Mark B. Wilson
Reg. No. 37,259
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 474-5201

Date: September 13, 2004



PATENT
Customer ID: 32425

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
David Claxton *et al.*

Serial No.: 10/730,361

Filed: December 8, 2003

For: COMPOSITIONS AND METHODS
RELATED TO LIPID:EMODIN
FORMULATIONS

Group Art Unit: 1616

Examiner: Unknown

Atty. Dkt. No.: UTSC:776US

09/17/2004 MHEKONEN 00000097 10730361

04 FC:2254

740.00 OP

CERTIFICATE OF MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: MS MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

September 13, 2004

Date

Mark B. Wilson

RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL
APPLICATION FILED UNDER 37 CFR 1.53(B)

MS MISSING PARTS

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application filed under 37 CFR 1.53(b), dated March 11, 2004, enclosed are:

- (a) Three Declarations executed on behalf of David Claxton, Robert A. Newman and Gabriel Lopez-Berestein;
- (b) Two Powers of Attorney on behalf of Board of Regents, The University of Texas System and The Penn State Research Foundation;
- (c) Preliminary Amendment;

- (d) Substitute Drawings, Figures 1-5 on 5 sheets;
- (e) Our check in the amount of \$1343.00 to cover the basic filing fee (\$385.00 - utility small entity); surcharge for late filing (\$65.00); additional claims fee (\$153.00); four month extension of time fee (\$740.00);
- (f) A copy of Notice to File Missing Parts of Nonprovisional Application filed under 37 CFR 1.53(b); and
- (g) A Request for Extension of Time of four months to and including September 11, 2004. Should such request be absent, consider this such a request and authorization to withdraw the appropriate fee under 37 C.F.R. §§ 1.16 to 1.21 as stated below.

Assignments to Board of Regents, The University of Texas System and The Penn State Research Foundation and checks for \$40.00 each are being filed under separate cover.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski Deposit Account No.: 50-1212/UTSC:776US.

Please date stamp and return the accompanying postcard to evidence receipt of these documents.

Respectfully submitted,



Mark B. Wilson
Reg. No. 37,259
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 474-5201

Date: September 13, 2004